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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,779	03/23/2004	John Gerard Speare	MS#304047.01 (\$226)	2381
38779	7590	05/11/2007		
SENNIGER POWERS (MSFT) ONE METROPOLITAN SQUARE, 16TH FLOOR ST. LOUIS, MO 63102			EXAMINER VO, TED T	
			ART UNIT 2191	PAPER NUMBER
			NOTIFICATION DATE 05/11/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

## Office Action Summary

Application No.

10/806,779

Applicant(s)

SPEARE ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the amendment filed on 01/23/2007.  
Claims 1-27 are pending in the application.

### *Response to Arguments*

2. Applicants' arguments to the claims rejected under 35 U.S.C. 102(b) as being anticipated by SealedMedia, "Software Developer's Kit", have been considered but not persuasive.

Particularly, Applicants direct the amended limitation in claim 1,

"... pre-licensing the accepted electronic document by obtaining a use license on behalf of a user, said use license being defined by the persisted policy scheme and being uniquely **associated with the content of the electronic document...**", and allegedly contend that

[The SealedMedia reference discloses that a license for a user to view a sealed content belongs to a "content set", **not the content itself**. ("When the administrators of a publisher license content, they are licensing the content that belongs to the licensed content set and category, not the content itself, effecting a total separation of rights and content" (emphasis added). Page 6, SealedMedia reference. See also page 11.)].

It should be noted the claim 1 recited, "*pre-licensing the accepted electronic document by obtaining a use license on behalf of a user, said use license being defined by the persisted policy scheme and being associated with the content of the electronic document.*". It does not recite, "being uniquely associated with the content of the electronic document..." as Applicants argued.

Moreover, the specification disclose neither "*pre-licensing ... being uniquely **associated with the content of the electronic document..***", nor "*pre-licensing ... by obtaining a use license on behalf of a user,..., and being associated with the content of the electronic document.*"

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In fact the specification is generic and associated with distribution list (FIG. 4, 404), templates, or email event messages about the content (FIG. 5), rather than the functionality as claimed in "pre-licensing".

Thus, the recitation, **associated with the content of the electronic document**, appears as attempting to make language differences such as between content and content set rather to point out the functionality differences between the specification and the reference.

On the other hand, the reference teaches means for pre-licensing by being associated with the content and content set of the electronic document. See p. 5: Overview and the Figure 1-2. Figure 1 in the reference provides an overview that is the same with the discussion in the Applicants' specification (FIG.2a, 2b, FIG. 3), Figure 2 is an identification of content sets and it is associated with sealed content file for each content set, For example, a content set "new" includes item ArticleN1 and this item is associated with a sealed content file. In p. 4, see the fourth square-indentation, "access to sealed content". In p. 4, see the first square-indentation, "sealed content that belongs to a given content set".

Even Applicants pointed out a statement in the p. 6 of the reference,

"When the administrators of a publisher license content, they are licensing the content that belongs to the licensed content set and category, not the content itself, effecting a total separation of rights and content"

within this statement, the reference still reads the broad claiming, **"associated"**.

Furthermore, see the next paragraph in the page. 6,

Additionally, when an administrator seals content she may also specify an item code that is sealed in with the content. When a license is issued, it may be locked to one or more item codes, in which case its validity will be restricted to licensed content that also has been sealed with that item code.

and see Figure 2, i.e., the reference includes **"associated with the content of the electronic document"**, as in the manner in the claimed recitation.

Applicants fail to prove any patentable differences between what they attempt claiming for a protection and what the features that already existed out there as disclosed in the reference, as requirement under 1.111(c).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4, 5, 6-9, 10, 11-14, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4, 5, 6-9, 10, 11-14, 15, recited the limitation, "**associated with the content of the electronic document**". The functionality for this limitation is not consistent or described in the specification. The term "**associated**" is generic. Therefore, it is unclear what "associated" means. A limitation that is not clearly supported in the specification will render the claim indefinite. In the specification, "associated" is not found with **the content of the electronic document**. The interpretation for this limitation will be in light of the specification.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by SealedMedia, "Software Developer's Kit", 2002.

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Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 16: SealedMedia discloses,

the computerized method comprising:

***configuring the updating process to identify content in the electronic document*** (p.8, Figure 2, p.9:

Configuring content sets) ***that has the one or more rights management protections associated***

***therewith*** (the sealedMedia License Sever does *rights management protections* in order to pre-license to the contents of the electronic document), ***to pre-license the content of electronic document with a***

***use license*** (i.e. sealed content) ***on behalf of a user, and to replace a portion of the content of the***

***electronic document with an indicating piece of data*** (i.e. provide "default URL" when expiration, or

create "time base" (p.40), or allow client repudiation (p. 28-30) and allows upgrading if upgrading is offer,

and allow accessing and permission) ***such that the content of the electronic document is modified if***

***the electronic document has exceeded the rights management protections thereby permitting use***

***of the modified content of the electronic document by the pre-licensed user*** (in the same manner as

discussed in the specification, in the reference, see "Feature on demand licensing" and "Permission and

security", start at p. 21, publisher/administrator permits user to pre-license by accessing license and use

any modified content under licensing, i.e. when an electronic that is expired (claiming: "*electronic*

*document has exceeded the rights management protections*"), the administrator can validate, invalidate,

lock the content (p. 14, Validity and expiry), and thus when the user see the expiration, he/she renews or

requests pre license, the user will permit to use any content under licensing).

As per claims 19, 20, 23, 24, 27: See the rationale addressed in the claims 16.

As per Claim 17: The computerized method of claim 16 further comprising defining an interval for the updating process to be performed – See Validity and expiry.

As per Claim 18: The computerized method of claim 16 further comprising defining the updating process to be performed on an ad-hoc basis – See Validity and expiry.

As per claims 21-22, 25-26: See the rationale addressed in the claims 17-18.

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As per Claim 1: Regarding claimed limitation:

*A computerized method for updating content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, the computerized method comprising:*

*accepting the electronic document;*

*identifying one or more rights management protections associated with content of electronic document (See Figure 2, "content sets"), said rights management protections being defined by persisted policy scheme;*

*pre-licensing the accepted electronic document by obtaining a use license on behalf of a user, said use license being defined by the persisted policy scheme and being associated with the content of the electronic document (see p. 5: Overview (and the Figure 1) provides means for obtaining a use license on behalf of a user);*

*determining whether the content of the electronic document has exceeded the rights management protections defined by the persisted policy scheme (See Validity and expiry, start at p, 14)*

*If the electronic document has exceeded the rights management protections (See Validity and expiry, start at p, 14, "expiry": has exceeded the rights management protections), replace a portion of the content of the electronic document with an indicating piece of data such that the content of the electronic document is modified (See p. 9, and further see p. 40, indicate "time base" or indicate "repudiation"); and*

*permitting use of the modified content of the electronic document in accordance with the obtained use license." (In the same manner as discussed in the specification, in the reference, see "Feature on demand licensing" and "Permission and security", start at p. 21, publisher/administrator permits user to pre-license by accessing license and use any modified content under licensing, i.e. when an electronic that is expired (claiming: "electronic document has exceeded the rights management protections"), the administrator can validate, invalidate, lock the content (p. 14, Validity and expiry), and thus when the user see the expiration, he/she renews or requests pre license, the user will permit to use any content under licensing)*

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Note: Figure 2 (p. 8) of SealedMedia shows **content sets**/categories/electronic documents which are available to a user (valid license) during the time of license under rights management protections defined by a persisted policy scheme. The user is connected to available documents, e.g. via URLs. If time of license expired, a default URL (See p. 10, second square) would be replaced, or the user sees the item "Not specified" or the item listed under the article name (See p. 8. Figure 2; see p.9-10, Configuring content sets; see p. 11-12, Configuring license templates; see p. 14-15: Validity and expiry). In a similar manner, see p.10, see "The Metadata ...", it describes when a license is expired, i.e. invalid license, the Unsealer displays a status describing why the content cannot be rendered, with a link to the Default URL

The metadata is used by the Unsealer to identify the content and to request appropriate licenses. If no valid license is available, the Unsealer displays a status page describing why the content cannot be rendered, with a link to the Default URL. It is also possible to instruct the Unsealer to render the Default URL within the browser directly, giving you a more close control over the user experience. Once a license has been obtained, the metadata is also used to determine ongoing license validity, e.g. license expiration may be relative to the publication time sealed in with the content.

Note, Figure 1 and further discussions in p. 21-23 provide permitting used of the content under the use license or on behalf of a user.

As per Claim 2: SealedMedia disclose the claimed limitation because it includes email scheme (See p.31: Email gateway).

As per Claim 3: SealedMedia disclose the claimed limitation because it discusses time-based licensing manner (See p.12).

As per Claim 4: SealedMedia disclose the claimed limitation because the appearance of unavailable contents/documents is in ad-hoc manner (e.g. see Figure 2).

As per Claims 5, 10, 15: The Claims have the same functionality as recited in Claim 1. The Claims are rejected in the same reason set forth in Claim 1.

As per Claims 6-9: The Claims have the same functionality as recited in Claims 1-4. The Claims are rejected in the same reasons set forth in Claims 1-4.

As per Claims 11-14: The Claims have the same functionality as recited in Claims 1-4. The Claims are rejected in the same reasons set forth in Claims 1-4.



***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV  
May 04, 2007

  
TED VO  
PRIMARY EXAMINER